HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION NO. 11556 OF 2007

DATE: 15.06.2007

BETWEEN

1. M. Anjamma W/o late M. Babi Reddy, Hyderabad and one another

….Petitioners

AND

1. The Sub-Registrar, Champapet, Ranga Reddy District.

…. Respondent

HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION NO. 11556 OF 2007

ORAL ORDER:

Petitioners seek a direction to the respondent not to entertain any document based upon the decree in O.S.No. 270 of 1986, on the file of the Senior Civil Judge, Ranga Reddy District.

The petitioners contend that a decree in O.S.No. 270 of 1986 was obtained against them on 10.2.1987 and soon after they came to know about it, they filed O.S.No. 582 of 1997 in the court of the learned Second Additional Senior Civil Judge, Ranga Reddy District, for the relief of cancellation of the decree in O.S.No. 270 of 1986 and for other ancillary reliefs; such as partition of suit schedule property. O.S.No. 582 of 1997 is said to have been decreed *ex parte* and that the said decree has become final.

Even assuming that the decree in O.S.No. 270 of 1986 dated 10.2.1987 was set aside and an individual is trying to exercise his rights on the basis of such decree, the respondent cannot be directed not to entertain any document based upon the said decree. The reason is that the respondent cannot be expected to examine the title of the parties to any document. If any one claims title on the basis of a decree which was already set aside, he cannot convey any title to the transferees. If they so advised the petitioners can approach the Civil Court seeking injunction against the persons who are intending to defeat their rights deserving the said lands, duly making the respondent also a party. Hence, the Writ Petition is disposed of leaving it open to the petitioners to work their remedies before the Civil Court. There shall be no order as to costs.

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L. NARASIMHA
REDDY, J

Date: 15.06.2007
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Note: Furnish copy in three days.